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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/051,070	04/02/1998	STEPHEN CLIFFORD APPLEBY	36-1201	7570

7590 03/26/2002

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EXAMINER

PHAN, THAI Q

ART UNIT PAPER NUMBER

2123

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/051,070

Applicant(s)
Appleby, Stephen

Examiner
Thai Phan

Art Unit
2123



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan. 16, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 20-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

This Office Action is response to applicant's amendment filed Jan. 16, 2002 for patent application 09/051,070. Claim 30 is newly added. Claims 1-16, and 20-30 are pending in this official action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-16 and 20-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujisawa et al., patent no. 6,182,062 B1.

As per claim 1, Fujisawa anticipated a computerized method and computer system or an interactive dialogue system independent of any particular application language (Abstract) for training a user to engage in transaction with another person arranged to simulate language translation very identical to the claimed limitations. According to Fujisawa, the method and system includes means for outputting message to a user (see (505) of Fig. 1), means for receiving input from the user (Fig. 1, col. 10, line 50 to col. 11, line 43), means for analyzing lexical structure (col. 11), means for storing rules specifying grammatically allowable relationships of words input (cols. 11, 12, col. 15, lines 47-63, for example), a central dialogue processor Figs. 1,

2, col. 13, lines 24-31, for example, of the present patent which includes lexical rules to recognize and handle the occurrence of words or spoken language through the input devices, contained in the lexical rules the relationships specifying by rules in accordance with the data specified in the transaction, objects, object attributes, etc. in the database of the system, a transaction store containing data relating to allowable transactions between users interaction (col. 12, lines 27-54, col. 14, lines 25- 46, Fig. 1) and independence upon recognition, to generate output dialogue in the most recent or current to meet real time requirement (Figs. 1, 16, col. 3, lines 1-20, col. 12, lines 20-40, col. 15, lines 47-63, col. 26, line 12 to col. 29, line 42).) when correct dialogue has been recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (col. 15, lines 47-63, col. 26, line 12 to col. 29, line 42).

As per claim 2, due to the similarity of claim 2 to claim 1, and Fujisawa additionally anticipated a plurality of lexical rules for known natural languages conversation such as English, Japanese, etc., and relationships of these rules for conversation (col. 2, lines 56-67, col. 5, lines 9 to col. 12, line 40, col. 15, lines 47-63, for example). Fujisawa also taught rule tree window with subsumption relations (col. 29, lines 14-17), which would allow rules relaxation as claimed to query subconcepts (col. 28, line 35 to col. 29, line 42), for example. Thus, the claim is also rejected in like manner.

As per claim 3, Fujisawa disclosed words agreement such as number, genders, etc.

As per claims 4-5, Fujisawa disclosed dialogue recognition (cols. 9-11) based on such as semantic grammar rules, syntactic structures, lexicons, etc. It would include detect recognized errors as claimed

As per claim 6, Fujisawa anticipated language training including different target languages.

As per claims 7-11, Fujisawa anticipated the system for use to recognize text, speech, voice, other peripheral device inputs for user dialogue, etc.

As per claim 12, Fujisawa anticipated interactively interface for user which would include speech synthesizer as claimed. Further, speech synthesizer is well-known in the art for user interactive (see Morin)

As per claims 13-15, Fujisawa disclosed user interface (Figs. 1-4), including a computer, display, input means and graphic user interface.

As per claim 16, Fujisawa disclosed communication channel connected dialogue server remotely.

As per claim 20, Fujisawa dialogue recognition would include characters, numbers, etc. as claimed.

As per claims 21-23, Fujisawa disclosed lexical rules of syntax, grammars, etc. which would include inflection rules as claimed.

As per claim 24-27 and 28-29, due to the similarity of claims 24-27 and 28-29 to claims 1-16, claims 24-27 and 28-29 are thus rejected under the same rationale as set forth.

As per claim 30, due to the similarity of claim 30 to claim 2, and Fujisawa additionally anticipated a plurality of lexical rules for known natural languages conversation such as English, Japanese, etc.; and relationships of these rules for conversation (col. 2, lines 56-67, col. 5, lines 9 to col. 12, line 40, col. 15, lines 47-63, for example). Fujisawa also taught rule tree window with subsumption relations (col. 29, lines 14-17) to allow for rules relaxation as claimed to query

subconcepts (col. 28, line 35 to col. 29, line 42), for example. Thus, the claim is also rejected in like manner. The claim is also rejected under the same rationales as set forth.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al., patent 5,510,981, issued on Apr. 23, 1996, or under 35 U.S.C. 102(e) as anticipated by Carbonell et al., patent no. 6,163,785.

As per claims 28-29, Berger and Carbonell anticipated the claimed invention. The Berger and Carbonell system comprises a processor arranged to accept input dialogue in a target language, to detect syntactically recognized errors in the input dialogue by using lexical rules, to generate responsive outputs in output buffer for users' dialogue in the target language, and to generate recognized errors in separate indication as claimed (see Berger, "Summary of the Invention").

Response to Arguments

4. Applicant's arguments to the claims have been fully considered but they are not persuasive.

In response to applicant's argument Fujisawa failed to disclose storing data representative of messages output by an output device, determining whether an input is an allowable response to a most recent one of the message and if not, determining whether the input is an allowable response to a preceding message as in claim 1 (page 2), the examiner disagrees with.

Fujisawa disclosed information storage section for storing information data representative of message output by an output device such as input from user (Figs. 1, 16, col. 12, lines 20-40, col. 15, lines 47-63, col. 26, line 12 to col. 27, lines 22). Fujisawa also disclosed the lexical analysis determined a match response or allowable response as claimed (col. 12, lines 20-26) to a current or most recent one of the message, and if not matching, the analysis module (lexical) will move the concept matching process (window) to previous input message from concept tree window for analysis and display for user (Figs. 1, 16, col. 12, lines 20-40, col. 15, lines 47-63, col. 26, line 12 to col. 29, line 42).

In response to applicant's argument Fujisawa failed to provide system to see whether it might be an allowable response to an earlier system output if the user's input is not relevant to the most recent system output (page 3), the examiner disagrees with. Fujisawa system and methodology algorithm is to provide user with system to identify response to user input and use the analysis modules to match with user request from matching tree window to find response relevant to input earlier (Figs. 1, 16, col. 12, lines 20-40, col. 15, lines 47-63, cols. 26-29). Fujisawa also taught rule tree window with subsumption relations (col. 29, lines 14-17) for relaxing rules as claimed to query subconcepts (col. 28, line 35 to col. 29, line 42); for example.

In response to applicant's argument Berger or Carbonell failed to disclose storing data representative of messages output by an output device (page 4, paragraph 3), the examiner disagrees with. Berger disclosed data representative being stored after analyzed and processed by the matching device (Summary of the Invention). This would include means for storing such processed data.

In response to applicant's argument Berger failed to disclose responding to a "preceding one of the messages (in the input) (page 4, last paragraph), the examiner disagrees with. Berger disclosed method and system for matching or for responding to user input series of source words for matching (see Berger's Summary of Invention"). This would require preceding message information for conditionally estimating match words or for alignment words given a target hypothesis (see col. 3, line 42 to col. 4, line 34).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

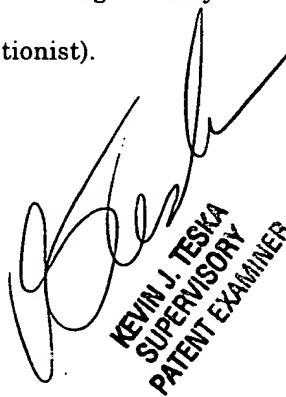
(703) 746-7238, (for formal communications; please mark "EXPEDITED
PROCEDURE"),

Or:

(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2199 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

March 22, 2002


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER